HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 471 of 2006 (SS)

Khyali Dutt Bawari s/o Sri Devi Dutt Bawari
Village & Post Saknara, District Almora ..... Petitioner

Versus

1. State of Uttaranchal
2. Additioanl District Education Officer, Almora,
3. Block Education Officer, Salt, Tehsil Salt,
   District Almora. ..... Respondents

Sri Dinesh Gahtori, Advocate for the petitioner

Standing counsel for the respondents.

Dated: 31.03.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Dinesh Gahtori, counsel for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed a writ of mandamus directing the respondents to transfer the petitioner to Primary School Saknara from Primary School Baman Gaon.

Briefly stated the petitioner is graduate and B.P.Ed. He submitted application for the post of Shikshamitra in Primary School Saknara. The Gaon Sabha submitted its recommendation in favour of the petitioner for his appointment as Shikshamitra in Primary School, Saknara. The recommendation was sent to respondent no. 2, Additional District Education Officer, Almora. The petitioner was selected as Shikshamitra and he was sent for one month's training at

D.I.E.T. Almora. On 25.11.2005 respondent no. 3 passed an order directing the petitioner to join at Primary School, baman Gaon which is more than 80 Kms. Away from Gaon Sabha, Saknara.

The grievance of the petitioner is that according to the Government G.O. dated 16.1.2004, Shikashamitra should be appointed in his native Gaon Sabha. In case a qualified person is not available in the Gaon Sabha then a qualified person should be appointed from the same block but in the present case the petitioner was directed to join in different Gaon Sabha other than his native Gaon Sabha, while he was recommended for appointment in his native gaon sabha.

In view of above, the petitioner shall be at liberty to move a representation to the appropriate authority of the respondents within 15 days after obtaining certified copy of this order, who shall decide the same within 15 days thereafter.

Subject to the observations made above, the writ petition is disposed of. No order as to costs.

Dated: 31.3.2006 **Rajesh Tandon, J.**

***Dhyani**